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10-29-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAKAKURA=1A

In re Application of:) Art Unit: 1652
Hikaru TAKAKURA et al) Examiner: M. RAO
Appln. No.: 09/841,553) Washington, D.C.
Date Filed: April 24, 2001) Confirmation No. 4153
For: ULTRATHERMOSTABLE PROTEASE) October 24, 2002
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REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are in receipt of Paper No. 4, an Office Action mailed September 27, 2002, entirely in the nature of a requirement for restriction.

Applicants have claimed priority from their corresponding application filed in Japan on December 12, 1995, and a copy of the priority document was transmitted by the International Bureau to the file of the parent application PCT/JP96/03253, accorded U.S. application No. 08/894,818, of which the present application is a division. Accordingly, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under §119.

Restriction has been required between what the PTO deems to be two (2) patentably distinct inventions as noted at

the top of page 2 of the Official Action. As an election must be made, applicants hereby respectfully and provisionally elect Group I, presently comprising claims 1-5 and 7-10, with traverse and without prejudice.

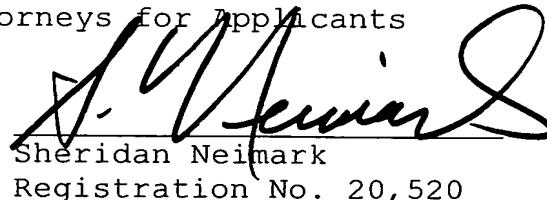
Applicants respectfully traverse the requirement on the basis of the second paragraph of MPEP 803 which **requires** examination of plural groups, even when the restriction requirement is correct, if it would not constitute a serious burden to carry out such an examination. In the present case, the subjects of the two groups are clearly closely related, and furthermore both are classified in class 435. Additionally, non-elected Group II contains only one claim, i.e. claim 6. It would not constitute a serious burden for the PTO to examine both groups in the present application.

Accordingly, applicants respectfully request withdrawal of the restriction requirement and examination of all of the claims on the merits. Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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